

FIVE SUPREME COURT JUSTICES NAMED BY MR. TAFT

Notable Record of the President in the Matter of Judicial Appointments—Gov. Hughes's Prediction and Its Fulfilment.

WASHINGTON, Feb. 24.—Speaking at the opening of the Taft campaign in Youngstown on September 5, 1908, Charles E. Hughes, then Governor of New York State, made this interesting prediction:

"Not only will the coming election directly affect the executive branch of the Government but it is most important in its relation to the judicial branch. Rarely has the choice of President in-

President in any space of time save by Washington, Jackson and Lincoln. The thought expressed by Gov. Hughes in the Youngstown campaign address between three and four years ago was regarded in the popular mind at that time as a minor argument. Its importance has been recalled by officials in Washington as gradually one member of the court after another has passed away.

commanded the respect and esteem of the entire bar of the country, without regard to partisan division.

"By litigants and lawyers alike it was felt that when he left his important place upon the Circuit Court of Appeals to undertake his difficult duties in the Philippines, the judicial branch of the government had sustained a most serious loss, and he has long been regarded as one in every way worthy to succeed the present Chief Justice of the United States.

"With his fairness and acumen, with his wide knowledge of the bar from which the judges must be recruited, with his broadmindedness and democratic sympathy and his keen interest in all that pertains to the welfare of the people, we may be assured that if he is selected to perform this duty the interests of the country will be impartially and wisely safeguarded in its discharge."

to Col. Roosevelt, from whom he never encountered the slightest opposition in the matter of Federal appointments. The President and his political advisers have refused to bow to Lyon's defiance and have started out after the national committee's scalp, having removed his name from the list of patronage dispensers.

This is only one of several instances in which the President has encountered trouble with Republican politicians over his judicial appointments. The appointment of William I. Grubb District Judge for the Northern District of Alabama is another case in point.

The President appointed Mr. Grubb in place of a man named Hundley, whose nomination had been sent to the Senate by President Roosevelt before his retirement and for some reason or other was being hung up in the Senate. Presi-

the appointment of the Supreme Court Justices has been exemplified in the selection of Lorton of Tennessee and Lamar of Georgia.

With the exception of the selection of Chancellor Pitney, the President's Supreme Court appointments have taken place within the first two years of his administration. Horace H. Lorton of Tennessee was the first to be selected, on December 13, 1909, as successor to the late Justice Peckham. President Taft announced at the time that Justice Lorton's appointment was a personal one. He had served on the Circuit Court with Judge Lorton, and one of the things he had promised himself, so he said, was the elevation of Judge Lorton to the highest court in the land.

Next came the appointment of Charles E. Hughes on December 25, 1910, to succeed the late Justice Brewer. And then

Many Judges of the Lower Court Also Chosen by Him—List of Appointees Impressive Evidence of His Duties.

years old because he thinks that a Justice of the Supreme Court ought to have before him the longest possible period of usefulness in this capacity. The President's decided opinion on this point caused him to turn from the Secretary of Commerce and Labor, who is 93 years old, to Chancellor Pitney, who is only 54, in making his latest selection.

Judge Lorton was 65 years old when he

Judicial Circuit.
Loyal E. Knappen of Michigan, Sixth Judicial Circuit.
UNITED STATES DISTRICT JUDGES
Alabama—William I. Grubb, Northern District.
Alaska—Thomas R. Lyon, First Division; Edward E. Cushman, Third Division; Peter G. Overland, Fourth Division; Cornelius D. Murrain, Second Division.
Hawaii—George W. Woodruff of Pennsylv.



CHARLES E. HUGHES.

JOSEPH R. LAMAR

WILLIS VAN DEVANTER.

EDWARD D. WHITE.

HORACE H. LORTON.

MAHLON PITNEY

involved more far reaching consequences. For it is not improbable that the next President will appoint at least four judges of the United States Supreme Court.

"Upon these appointments will largely depend the quality of the judicial work of this great court for years to come. Congress may pass laws, but the Supreme Court interprets and construes them, and determines their validity. The Constitution with its guarantees of liberty and its grants of Federal power is finally what the Supreme Court determines it to mean. Upon the learning, wisdom and character of the judges of the Supreme Court rests not merely the just determination of the important matters of private right which come before that august tribunal, but to a very large degree the course of our political history and the development and security of our institutions.

"In view of the vacancies which in the natural course of events will most probably occur during the next few years, we must remember that we are about to choose a representative of the people to whom is confided the nomination of Federal judges, a power second to none possessed by the President, the exercise of which calls for the highest judgment."

It is about three and one-half years since Gov. Hughes made this prediction in the notable campaign speech that he delivered at Youngstown. Events in this comparatively brief period have not only fulfilled the prediction but have exceeded it. President Taft, with another year of his administration before him, has appointed five instead of four Associate Justices of the United States Supreme Court and, in addition to this, has named the Chief Justice of that great tribunal.

This is a record that has not been equaled by any President in a like space of time since George Washington organized the first Supreme Court. It is a record that has been equaled by no other

until finally the appointment a few days ago of Mahlon Pitney of New Jersey to succeed the late John M. Harlan has brought home to everybody, at least in Washington, a deep realization of the profoundly important duty that the President has been called upon to perform. Needless to say, the question has been asked by many: What would now have been the character of the United States Supreme Court if William Jennings Bryan had been elected President in 1908?

The President himself regards his judicial appointments as the most sacred and important duty he has been called upon to perform in his administration, and he believes that through them he will leave a greater and more permanent impress upon the country than through any other single act of his term in the White House. The President's close friends are firmly of the opinion that when the time comes for Mr. Taft to lay down the reins of government his greatest monument will be the character of the judges that he has appointed to the United States courts.

Little did Gov. Hughes think when he was delivering that Youngstown speech that he himself would be one of the men to whom the President would turn for the Supreme Court. At that time Mr. Hughes's ambitions were altogether of a political character. Yet it is being recalled here now that New York's Governor on that occasion foretold with notable accuracy the qualities that Mr. Taft would show if elected President, in selecting members of the Federal bench. Said Gov. Hughes:

"If we should search the country for a delegate of the people who could be confidently entrusted with this important duty [of naming Supreme Court Justices], it is probable that no one could command higher confidence than the Republican candidate for President. Himself a judge, learned in the wisdom of the law, he

Even President Taft's political opponents now acknowledge that Gov. Hughes's prediction of the qualifications that Mr. Taft would exhibit in selecting judges was not exaggerated or overdrawn.

It is admitted that politics has been absolutely foreign to President Taft's thoughts in the appointment not only of Supreme Court Justices but other Federal judges. The criticisms that have been aimed against him in regard to judicial selections have come not from the people who believe in the exercise of independent judgment on this important question but from the politicians who have been dissatisfied because Mr. Taft would not make the Federal bench a part of the patronage system.

Take Cecil Lyon, Republican national committeeman from Texas, for instance. For twelve years he had control absolutely in this position of Federal patronage in that great State. He had come to regard the Federal offices as part of his personal assets, which were to be distributed at his command. Mr. Lyon's theory of government worked all right until it came to the appointment of a District Judge for the Eastern District of Texas, to succeed the late Judge Bryant.

Mr. Lyon, following his usual custom, sent the name of the man who was to be appointed to Washington, but was astounded to learn that Mr. Taft was exercising absolute independence in the matter of this appointment. The President informed the national committee that he did not approve of his candidate for the bench. Mr. Lyon pushed forward another candidate or two, with no better success, and was amazed when the President nominated not one of Lyon's Republican friends but Gordon Russell, a Democrat.

Since this incident Cecil Lyon has been on the outs with the Taft Administration and is, in fact, now throwing his support

to Col. Roosevelt, from whom he never encountered the slightest opposition in the matter of Federal appointments. The President and his political advisers have refused to bow to Lyon's defiance and have started out after the national committee's scalp, having removed his name from the list of patronage dispensers.

This is only one of several instances in which the President has encountered trouble with Republican politicians over his judicial appointments. The appointment of William I. Grubb District Judge for the Northern District of Alabama is another case in point.

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dent Taft withdrew this nomination and sent in the nomination of Grubb, and now Mr. Hundley is leading the fight for Roosevelt in opposition to Taft down in Alabama.

Walter Brown, chairman of the Republican State committee of Ohio, is another politician who encountered President Taft's determination to be independent in the matter of his judicial appointments. Mr. Brown was sorely displeased because Mr. Taft rejected two candidates supported by him for District Judgeships and appointed men of his own choosing. Brown is now out supporting the Roosevelt movement and has announced publicly that President Taft is not the choice of the people of Ohio for President.

But President Taft's difficulties over judicial appointments have been confined almost entirely to the politicians out in the field and not to members of Congress. This has been the case because Senators and Representatives have understood from the start that the President insisted on being left unhampered by political obligations in the matter of judicial appointments.

One of the first things that Mr. Taft did after entering the White House was to call members of Congress to him and make his position plain on this point. To them he said in effect:

"I am willing to play the game of politics as it has been played, except in the matter of judicial appointments, and in regard to them I reserve the right to act independently."

That is why very few protests were made by Republicans when the President decided to elevate Associate Justice White, a Democrat, an ex-Confederate and a Roman Catholic, to the Chief Justiceship of the United States. By that single act the President asserted his independence on this question in a way that his opponents have not attempted to question. His further disregard of sectional lines in

on December 12 of the same year the three important appointments of Willis Van Devanter of Wyoming and Joseph R. Lamar of Georgia as Associate Justices and Edward Douglass White of Louisiana as Chief Justice. The selection of Chancellor Pitney last week completes the list and fills the court.

As compared with this record made by President Taft in three and a half years it is interesting to note the records of Washington, Jackson and Lincoln. Washington in eight years had the naming of twelve Justices, including three Chief Justices, Jay, Rutledge and Ellsworth. Jackson in eight years named five Justices, including Chief Justice Taney. Lincoln in four years also named five Justices, or a majority of the court, including Chief Justice Chase.

Grant and Cleveland each came within one of appointing a majority of the court. Grant's appointments included Chief Justice Waite, while Cleveland's included Chief Justice Fuller. Washington's appointments were, of course, explained by the original organization of the court. Lincoln's court was affected by the civil war, but Taft's record is based on nothing but the operation of natural causes.

The President in making his Supreme Court appointments has adhered to one rule, with only a single exception, and that is that none of his appointees should be more than 60 years old. The one exception was in the case of Judge Lorton. The President announced at the time of Mr. Lorton's appointment that he made this exception on personal grounds, because he had long promised himself the pleasure of elevating Judge Lorton to the Supreme bench.

The President's chief aim in making his appointments to the Supreme bench has been to select men whose work would determine the quality of this high court for years to come. The President has insisted upon selecting men below 60

was appointed by the President. Justice Van Devanter was elevated to the bench by Mr. Taft when he was 51 years old, and Justice Lamar was named when he was 53. Mr. Hughes was only 43 when he was called from the Governor's chair to the Supreme Court, and he is therefore the youngest of the Justices named by President Taft, as well as the youngest man on the bench.

The record of appointments of judicial officers other than Supreme Court Justices which President Taft has to his credit alone is an impressive one and far exceeds the records of most other Presidents. For instance, the President has had the naming of Judges to two entirely new courts.

One of these is the United States Court of Commerce, the members of which are classed as Circuit Judges. In naming the members of this court alone the President had the appointment of five additional Circuit Court Judges. To this he named Robert M. Montgomery of Michigan, as presiding Judge; William H. Hunt of Montana, James F. Smith of California, Orion M. Barber of Vermont and Marion De Vries of California.

The other court which the President was called upon to fill was that of the United States Court of Customs Appeals. To this he named Robert M. Montgomery of Michigan, as presiding Judge; William H. Hunt of Montana, James F. Smith of California, Orion M. Barber of Vermont and Marion De Vries of California.

The Sun herewith publishes a list of the other United States Judges that the President has named, because the length of it alone is the most impressive evidence of the duties that he has been obliged to perform in the last three years or so in the selection of Judges.

UNITED STATES CIRCUIT COURT.
John W. Warrington of Ohio, Sixth Judicial Circuit.
William M. Lanning of New Jersey, Third

vania, Sanford P. Dole of Hawaii; Alexander G. Robertson of Hawaii.

Illinois—George A. Carpenter, Northern District.

Maryland—John C. Rose, District of Maryland.

Michigan—Arthur C. Dennison, District of Michigan.

Minnesota—Charles A. Willard, District of Minnesota.

Missouri—W. S. Van Valkenburgh, Western District.

Montana—Carl Rasch, District of Montana and Judge Bournquin.

New Jersey—John Reistab, District of New Jersey.

New York—Learned Hand, Southern District, and Julius M. Gruber, Northern District.

North Carolina—Henry Groves Connor, Eastern District.

Ohio—Howard C. Follister, Southern District; John M. Killea, Northern District.

Oregon—Robert S. Beam, District of Oregon.

Pennsylvania—Charles T. Orr, Western District.

Porto Rico—John J. Jenkins of Wisconsin, District of Porto Rico.

Texas—Gordon Russell, Eastern District.

Washington—George Donworth, Western District.

WISCONSIN AND INDIAN JUDGES.

Arizona—Chief Justice of the Supreme Court, Edward Kent; Associate Justices, Albert H. Abbott, Alfred W. Cooley, Merritt O. Meacham, Frank W. Parker, Clarence J. Roberts and Edward R. Wright.

California—Chief Justice of the Supreme Court, Charles B. Elliott of Minnesota and Grant T. Trent of Tennessee.

Columbia—Chief Justice of the Supreme Court, José Conrado Hernández; Associate Justice Emilio del Torro y Cuevas.

Colorado—Chief Justice of the Supreme Court, William H. Hope; Associate Justices, Albert H. Abbott, Alfred W. Cooley, Merritt O. Meacham, Frank W. Parker, Clarence J. Roberts and Edward R. Wright.

Connecticut—Chief Justice of the Supreme Court, Charles B. Elliott of Minnesota and Grant T. Trent of Tennessee.

Delaware—Chief Justice of the Supreme Court, José Conrado Hernández; Associate Justice Emilio del Torro y Cuevas.

District of Columbia—Judges of the Municipal Court, Charles S. Bundy, Luke C. Strider, Robert H. Terrell and Thomas H. Callie; Judge of the Police Court, James L. Justice.

Hawaii—Associate Justices of the Supreme Court, Antonio Perry and John T. De Bolt; Judges of the Circuit Court, William L. Whitney, William J. Robinson and Henry E. Cooper.

Idaho—Chief Justice of the Supreme Court, William H. Hope; Associate Justices, Albert H. Abbott, Alfred W. Cooley, Merritt O. Meacham, Frank W. Parker, Clarence J. Roberts and Edward R. Wright.

Illinois—Chief Justice of the Supreme Court, Charles B. Elliott of Minnesota and Grant T. Trent of Tennessee.

Indiana—Chief Justice of the Supreme Court, José Conrado Hernández; Associate Justice Emilio del Torro y Cuevas.

LIFE AMONG THE DWELLERS OF MANHATTAN SOUTH OF THE CITY HALL

The resident population of Manhattan south of the General Post Office numbers about 12,000. The majority of the men earn their living in harbor work, or as janitors, engineers, firemen, mechanics or laborers in large downtown buildings. This part of the city has four churches and six schools, all largely attended. Some of the school children were born 300 feet above the street level of Broadway, and others were born from 25 to 50 feet below the level of that street. The birth rate for the district bounded by Fulton street, the water front and the Battery is high, averaging 26 per 1,000 a year for a number

in the titles, restrictions under old wills, or because owners are holding on for higher prices. It is fifty-seven years since a dwelling house was built south of the City Hall. Yet when Trinity Church, the third edifice on the same site, was completed in 1848, there were 5,000 private dwellings and 28 hotels on the island south of the City Hall. Then Wall street had many more private houses than places of business, and lower Pearl street yet held a number of fine homes. The few dwelling houses left below the General Post Office are occupied by physicians, and the best apartments in the flat houses

the hotel accommodation is only one-half of what it was twenty years back. The children of the district find their amusements at the Battery, the park that is used for playground purposes more than any other in the city. Although the home of thousands of children in the lower city is in office buildings they are seldom seen by the business men except when the children are going to or are returning from school. But when the business men and women have gone for the day the children living in the office buildings go out to play in the streets, especially where asphaltum pavements can be utilized for roller skating.

One of the popular games played by the children who live in and near Wall street begins with running up and then jumping down the steps of the Sub-Treasury Building. As the child jumps down he or she claps hands around one of the legs of the statue of Washington, then whirling around a number of times. The smooth and highly polished leg used for this amusement as compared with the dull bronze of the other leg frequently arouses curiosity among the visitors to the building.

A remarkable fact about the children living in the far southern end of Manhattan is that they apparently know how to adapt themselves to their environment in a densely occupied part of the city, where for ten hours a day an enormous number of fast moving cars and vehicles fill the streets. The children move to and fro among the cars and wagons in safety, an accident to a downtown child through being run over being almost unknown in hospital records. Nor is there any record of a child living in this section falling from a roof, though every day in the year the children of janitors and others living in high office buildings may be seen at play hundreds of feet above the street.

There is no grinding poverty among the residents south of the General Post Office. Most of the men and women earn good wages, and they live and dress well. A considerable number of the janitors are well off, their apartments are richly furnished and are the centres of a wholesome and refined social life. Not long ago the janitor of a downtown building decided to spend his vacation at his old home in Ireland. The tenants of the building on hearing of it raised a purse of \$10,000 for the traveller, and the night before

the ship sailed a thousand men and women whose lives came from caring for office buildings came to wish this man bon voyage.

The dances given by the downtown janitors and their assistants are always held at uptown halls, there being neither medium nor small sized halls available south of Union Square. A recent reception and ball, under the management of the janitors, engineers and caretakers of a big building south of the General Post Office was attended by 3,500 guests. Almost \$12,000 was realized, the dance netting \$4,000 for the sick benefit fund of the organization. Four directors of the corporation employing the men in charge of the affair took part in the grand march. Another big social affair of this kind is being arranged by the janitors, engineers and caretakers of another large office building south of Fulton street. Six thousand tickets have been sold, and more than 100 lawyers, insurance and real estate agents, bankers, brokers and iron and steel men who occupy offices in that building will be in the grand march, which will be led by the president of the corporation owning the building.

Small dancing parties made up of residents of downtown office buildings, shopkeepers who live over their business places, and masters, mates and engineers who sleep on board vessels docked for the night below Fulton street, are many during the winter and spring. These functions take place at those restaurants maintained almost wholly for the mid-day trade, thus providing ample space for an evening reception. At these affairs there are perhaps 200 dancers, the elders playing cards or visiting with each other. These functions are given chiefly to bring the young folks together under the eyes of their parents. Most of the canal boat people who winter in lower New York city are from up State, and the social functions usual to their home life are continued here, giving much pleasure to the city bred young folks. Most of the social evenings given by the canal boat people take place within half a mile of the Custom House. There is little dancing and a great deal of music, some recitations and parlor magic, and always a smoking hot country cooked supper served by the women folk from the canal boats. Syrians and Armenians living at the southern end of Manhattan ascribe to the social life of the district the rebellion of their daughters against the Old World manners

and customs of the little colonies near Trinity Church. The girls learn quickly in the schools of the district, and when they go to work in factories and shops they have become fully Americanized. They refuse to lead the secluded lives of their mothers and grandmothers, some of whom have not been above Fulton street, though living in the neighborhood twenty-five years or more.

In the shops kept by Turks, Syrians and Armenians on the lower West Side may be seen women's garments, shoes and jewelry of a fashion dating back 2,000 years. These articles are peddled locally and out of town, among women of Oriental races and who still keep to the customs of their native lands. But the girls from the Oriental countries who come here after they are 6 years old and settle down in places like lower Manhattan, snap their fingers at the fashions of their ancestors and dress in the prevailing mode. Some of these downtown girls born in Asia Minor are of noticeable beauty and grace and, being of unusual mental acuteness, find promotion easy in local manufacturing and mercantile establishments.

The dilapidated appearance of many of the downtown buildings, where the floors above the street level are built as flats, is not an indication that the homes

are not well furnished. In most instances the keepers of the small shops under these apartment houses, as well as those who live upstairs, are well to do. Not long ago the interior of a local church was enriched with altars, statuary, mural paintings and woodwork by the keeper of a small shop south of Liberty street. A number of the merchants from the Orient in that neighborhood have splendid

credit all through Asia Minor. Yet their people are small and unpretentious, and they live above them, paying less than \$35 a month rent for the flat, while in most cases they own and let houses in New Jersey and Brooklyn.

One of the best downtown bankers whose interest in charitable and educational work is well known was favorably impressed with the zeal, energy and good sense of a marketman from this section and made several calls at his little store near Fulton street. Not long after that the banker, on his way to Spring Lake in an automobile, was slightly injured through a collision with a motor car. He was taken to a fine mansion just off the road and was surprised to find that the owner was his friend the marketman, who, as it afterward appeared, owned more than a million dollars worth of real estate in New Jersey and was at the head of many public and private movements for the community. The unpretentious downtown place of business of this man is but one of a chain of his offices in several States. He keeps up the old office and saleroom wholly because it was the place of business of his father and grandfather and because it was there he learned the provision trade.

One of the richest of far downtown business men has done nothing for forty years to improve the appearance of stores and flat houses south of Fulton street owned by him. His reason is that he does not want their exterior appearance changed from that of years ago. Downtown New York has a great many rich men of that kind who occupy magnificent homes uptown or within a few miles of the city, but who do business far downtown in dilapidated buildings which they will not change to modern conditions simply because they want their office and warehouses to remain as they were when they began business there.

SUBSTITUTE FOR LEATHER.

A Fortune Awaits You if You Can Hit on a Capable One.

There is a fortune of many millions in store for the man who can discover a substitute for leather. The price of the real article is steadily rising, dealers say, and the reason is that in spite of the duty removed the growth of the world's population is faster than the increase in the number of cattle raised.

"There is a growing disproportion between the number of hides marketed and the demand for leather," said an expert. "The question is where the future supply will come from in quantities sufficient to meet the country's future needs. If some genius will only find a substitute for leather he'll be a wealthy man in a day."



THE BATTERY A PLAYGROUND FOR DOWNTOWN CHILDREN.



CHILDREN AT PLAY AROUND THE STATUE OF WASHINGTON IN FRONT OF THE SUB-TREASURY, WALL STREET.